



**TOWN OF MONTEREY**  
**Conservation Commission**  
**Scenic Mountain Act Extension Form F**

Massachusetts Scenic Mountain Act MGL c.131, § 39a  
435 Main Rd. P.O. Box 308  
Monterey, MA 01245

**Date:**

**SMA File Number:**

*To be used only for projects with activities that take place in areas above 457.2 meters (1,500 feet) in elevation; all activities that take place in areas below 457.2 meters (1,500 feet) in elevations; and where any portion of the project is located on a steep slope, as delineated on the map and text as adopted by the Town of Monterey, and as may be amended.*

This issuance is for an Extension Permit for a Scenic Mountains Act Order of Conditions issued on: \_\_\_\_\_

**General Information**

**Applicant**

**Name:**  
**Mailing Address:**  
**City, State Zip:**  
**Phone:**  
**Fax:**  
**Email:**

**Property Owner (If Different from Applicant)**

**Name:**  
**Mailing Address:**  
**City, State Zip:**  
**Phone:**  
**Fax:**  
**Email:**

**1. Project Location:**

**2. Assessors Map #:**

**Assessors Lot #:**

**3. Southern Berkshire Registry of Deeds Book:**

**Page:**

**Certificate (if registered land):**

**4. Date Notice of Intent Filed:**

**Date Public Hearing Closed:**

**Date of Issuance:**

**Date of last Extension Issuance (if applicable):**

**5. Final approved plans and other documents (attach additional plan or document references as needed):**

**6. Project Description:**

**Monterey Conservation Commission:**

**The Order of Conditions issued to the applicant or property owner listed above**      **for work at**      **recorded at the**  
**Registry of Deeds on Book**      **Page**      **is hereby extended until**      **.**

**General Conditions Under the Berkshire Scenic Mountain Act (only applicable to approved projects):**

1. These Order of Conditions shall be posted at the job site in a conspicuous location throughout construction, and until such time as the Conservation Commission's Project Manager deems it appropriate to remove.
2. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures shall be deemed cause to revoke or modify this Order.
3. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
4. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
5. The work authorized hereunder shall be completed with three years from the date of this Order.
6. This Order may be extended by the issuing authority for one or more periods of up to two years upon application to the issuing authority at least 30 days prior to the expiration date of this Order.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department of Conservation and Recreation have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the District in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work. Any Order not recorded by the applicant before work commences may be recorded by the Commission at the applicant's expense.
10. Where the Department of Conservation and Recreation is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DCR.
11. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed. A Partial Certificate of Compliance will be issued, noting Orders of Conditions that shall remain in perpetuity.
12. The work shall conform to the plans and special conditions referenced in this Order.
13. Any change to the plans identified in Condition #11 above shall require the applicant to inquire of the Conservation Commission, in writing, whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and DCR shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or DCR for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the commencement of work, the limit of work in the vicinity of the work area shall be marked by wooden stakes, flagging, or silt fencing. Once in place, the limit of work shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
18. Prior to the commencement of any activity on this site other than the marking of locations for erosion controls, there shall be a pre-construction meeting between the design engineer, the contractor responsible for the work, and a member of the Conservation Commission or its Agent to ensure that the requirements of the Order of Conditions are understood. All trees to be saved are to be flagged and protected from damage, and the staked erosion control/work limit lines shall be in place, and adjusted if necessary, during the pre-construction meeting. Please contact the Conservation Commission office at 413-528-1443 at least seventy-two (72) hours prior to any activity to arrange for the pre-construction meeting.



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**Special Conditions:**

This Order of Conditions Extension must be signed by a majority of the Conservation Commission. This Order must be mailed by certified mail, return receipt requested or hand delivered to the applicant. A copy must also be mailed or hand delivered at the same time to the appropriate DCR Regional Office and the property owner (if different from the owner).

_____	_____
_____	_____
_____	_____

On \_\_\_\_\_ of \_\_\_\_\_  
day month & year

Before me personally appeared David Dempsey, Chair and the Monterey Conservation Commission members to me, known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

My Commission Expires:

\_\_\_\_\_  
Notary Public

This order was issued to the applicant as follows:

?úby hand delivery on \_\_\_\_\_ ?úby certified mail, return receipt requested on \_\_\_\_\_

**Recording Information**

Detach on dotted line, have stamped by the Registry of Deeds, and submit to the Monterey Conservation Commissions.

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To: Monterey Conservation Commission

Date: \_\_\_\_\_

Please be advised that the SMA Order of Conditions for Project # SMA\_\_\_\_\_ located  
at\_\_\_\_\_. Has been recorded at the Registry of Deeds of  
\_\_\_\_\_ County in Book\_\_\_\_\_,  
Page\_\_\_\_\_ for\_\_\_\_\_, and has been noted in the chain  
of Title of the affected property in Book\_\_\_\_\_, Page\_\_\_\_\_ in accordance  
with the SMA Order of Conditions issued by the Monterey Conservation Commission on  
\_\_\_\_\_.

If recorded land, the instrument number identifying this transaction is \_\_\_\_\_.

If registered land, the document number identifying this transaction is \_\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant Date\_\_\_\_\_